City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3011413

Applicant Name: Brian Dixon

Address of Proposal: 3420 SW Graham Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow excavation of 3,000 cubic yards of soil for remediation. Project includes 3,000 cubic yards of re-grading to level site.

The following approval is required:

SEPA – Environmental Determination- Chapter 23.05 Seattle Municipal Code

SEPA DETERMINATION: [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

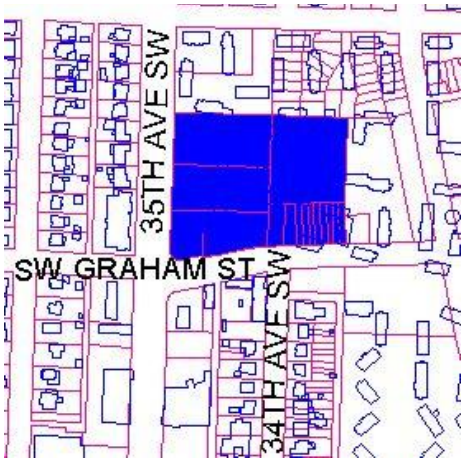
[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The subject site is located at the corner of 35th Avenue SW to the west and SW Graham Street to the south. The roughly 169,000 sq. ft. site is comprised of several parcels, but the proposed grading is limited to the southwest portion of the site. The site is flat and currently vacant. No portion of the site is designated as an Environmentally Critical Area on City maps. The site has been identified as having petroleum-contaminated soils resulting from previous use of the site as a gas station.



The site is located within a Neighborhood Commercial 2 – 40 zone (NC2-40'), and is subject to the terms of a Contract Rezone (CF 305400).

Proposal

The land use proposal consists of excavating approximately 3,000 cubic yards of contaminated and clean soil in order to prepare the site for future development. The consultant estimates that 3,000 cubic yards of contaminated soil will be removed from the subject property and approximately 3,000 cubic yards of soil will be used to re-grade the site. The project area is focused in the southwestern area of the site, in an area of about 22,450 sq. ft. The area of contaminated soil requiring excavation is estimated to be approximately 2,400 sq. ft.

The remedial excavation will extend to a depth of at least 15 feet below grade. The excavated area will be stabilized with an engineered shoring wall on the western and southern property lines to support the right-of-way. The excavated soil will be hauled off site and disposed of at a disposal facility. Imported clean soil will be used to backfill the excavation to restore grade and the site will be hydro-seeded after remedial activities are complete. During excavation (about 15 days) there will be approximately 12 truckloads of contaminated soil removed from the site each day, for a total of about 180 truck trips. The trucks will enter and exit the site from 35th Ave. SW onto SW Lanham Way. The entire project is expected to take about eight weeks.

The applicant is participating in the Department of Ecology's voluntary clean-up program and the project will be required to comply with requirements of the State of Washington's Model Toxic Clean-up Act.

Public Comment:

No comment letters were received from the public during the comment period, which ended on September 18, 2010.

Additional Information and Project Requirements

As noted above, the property is in an area subject to a Property Use and Development Agreement (PUDA) as part of a previously approved Contract Rezone (CF 305400). Specific SEPA conditions are attached to that PUDA, which are required for projects within the rezoned area.

The SEPA conditions attached to CF 305400 are as follows:

Prior to issuance of any grading and/or demolition permit:

Provide a Construction Mitigation Plan (CMP) to DCLU at the time of building permit for related construction permits. The plan will consist of items listed under subparts a-k below. The CMP must be approved by DCLU in consultation with Seattle Department of Transportation prior to commencement of any demolition, grading or construction activity. The CMP shall be one comprehensive document that can be easily referenced and maintained throughout the construction process by contractors and subcontractors, and available to the public at the project site.

a. A detailed description of the demolition and construction phasing/schedule.

b. SHA shall coordinate with the Police and Fire Department in identifying methods to prevent arson or other criminal activity during the period between vacation of the units, and actual demolition of the units.

c. Demonstration of compliance with federal, state and regional regulations to ensure that impacts are adequately addressed by such regulations or permits, and how such measures can be achieved. Permits from the following agencies must be provided: state Department of Ecology; PSCAA; and a NPDES permit from the appropriate agency.

d. An air quality mitigation plan to mitigate impacts from fugitive dust, and consisting of the following:

- *Spraying exposed soil with water to reduce PM-10 emissions and deposition of particulate matter.*
- *Covering exposed soil during grading and pre-seeding periods to reduce deposition of particulate matter.*
- *Covering all trucks, transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck) to reduce PM-10 and deposition of particulate during transportation.*
- *Providing wheel washers to remove particulate matter that would otherwise be carried offsite by vehicles to decrease deposition of particulate matter on area roads.*
- *Removing mud deposited on paved, public roads to reduce particulate matter on area roadways.*
- *Routing and scheduling construction trucks so as to reduce delays to traffic during peak travel times and to reduce secondary air quality impacts caused by a reduction in traffic speeds while drivers wait for construction trucks.*
- *Requiring appropriate emission-control devices on all construction equipment powered by gasoline or diesel fuel to reduce emissions in vehicular exhaust.*
- *Planting vegetation as soon as possible after grading to reduce windblown particulate in the area and/or retaining as much existing vegetation as practicable.*

e. A noise mitigation plan to mitigate impacts from noise to contain the following:

- *The applicant will be required to limit periods of construction to between the hours of 7:30 a.m. and 6:00 p.m. during weekdays and on Saturdays to between the hours of 9:00 a.m. and 5:00 p.m. This condition may be modified by DCLU to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU.*
- *Construction activities which generate the loudest noise shall be performed during the weekday hours. Identification of the type of construction activity that will occur between the hours of 9:00 a.m. to 5:00 p.m. on Saturday needs to be disclosed. No work, deliveries or otherwise will be allowed outside of the designated Saturday hours.*
- *Commitments and proposals to prohibit back-up alarms o vehicles and equipment, utilization of sound buffering or barrier devices, utilization of*

construction equipment that generate lower noise decibels or utilization by other means to mitigate noise must be included in the plan.

- *The applicant shall publish a periodic construction newsletter (at least quarterly) showing expected dates for specific operations, especially those which would interrupt or slow traffic movement, be especially noisy or disrupt any utility service.*
- *The mailing list for the newsletter shall include all addresses within 300 feet of the site and affected City departments, including DCLU, Department of Transportation, Police Department, Fire Department, and Neighborhoods, as well as community members and organizations who ask to be notified of construction activities. The meeting time and place shall be well-publicized, using at a minimum the same mailing list as above, giving at least 14 days notice of the meeting.*
- *The approved plan shall be available at the site for the duration of construction.*

f. *A stormwater Pollution Prevention Plan to mitigate water quality impacts.*

g. *A Temporary Erosion and Sediment Control Plan to mitigate water quality, including all tree protection measures detailed as conditions in the approved Subdivision (DCLU 2202170).*

h. *A Spill Prevention Control and Countermeasures Plan to mitigate water quality impacts.*

i. *Transportation Construction Mitigation Plan to mitigate traffic and parking impacts consisting of the following:*

- *Identification of temporary street closures;*
- *Identification of detour routing to ensure adequate accessibility to remaining older housing units and new constructed units within High Point, including any potential impacts on existing residential units on adjacent streets not subject to this redevelopment;*
- *Identification of staging areas and haul routes. Hauling between 4:00 p.m. and 6:00 p.m. shall be minimized.*
- *Identification of parking locations for construction workers. Construction workers shall park on-site, or off-site in designated remote parking lots. Provide shuttle buses for construction workers between the job site and any remote parking sites.*

j. *An appropriate mitigation must be determined and provided in a construction rodent impact mitigation plan (CRIMP) and provided to DCLU.*

k. *A Tree Preservation Plan which can be fulfilled through the tree plan required by Hearing Examiner decision MUP-02-051(SD), shall be developed in conjunction with the Temporary Erosion and Sedimentation Control Plan.*

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated June 29, 2010 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

The project is anticipated to have short-term, construction-related impacts, which are discussed below. Long term adverse impacts are not anticipated.

Construction-related Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Storm-water Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several excavation-related impacts. Following is an analysis of the air, stormwater, traffic, parking, grading, and construction-related noise impacts.

Air Quality

Excavation activities are expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC).

Construction impacts including construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

The air quality mitigation plan required as part of the PUDA (discussed above) will provide adequate mitigation for anticipated air quality impacts of the project. No additional mitigation is warranted.

Noise

The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. The noise mitigation plan required as part of the PUDA (discussed above) will provide adequate mitigation for anticipated noise impacts of the project. No additional mitigation is warranted.

Grading

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. The air quality, storm water and TESC plans required as part of the PUDA (discussed above) will provide adequate mitigation for anticipated impacts of the project. No additional mitigation is warranted.

Traffic and Parking

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction, a temporary increase in traffic volumes to the site will occur, due to travel to the site by excavation workers and the transport of construction materials. Compliance with Seattle's Street Use Ordinance is expected to mitigate adverse impacts to traffic which would be generated during construction of this proposal. The Street Use Ordinance also includes regulations that mitigate dust, and mud. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department. The Transportation Construction Mitigation Plan required as part of the PUDA (discussed above) will provide adequate mitigation for anticipated impacts of the project. No additional mitigation is warranted.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed under the previously approved contract rezone (CF 305400) are anticipated to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

No additional SEPA conditions, beyond those required under the previously approved Rezone PUDA (CF 305400) are required.

Signature: (Signature on File) Date: October 4, 2010
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

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